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**UNITED STATES DISTRICT COURT**

**NORTHERN DISTRICT OF CALIFORNIA**

DONNA LEACH, individually and on behalf of the Estate of Clyde Leach,

Plaintiff,

v.

TESLA, INC. and DOES 1 through 100,  
inclusive.

### Defendants.

Case No. 23-cv-03378-SI

Honorable Susan Illston

Action Filed: April 11, 2023 (Santa Clara  
Superior Court)  
Transfer Date: July 7, 2023

**PLAINTIFF'S BRIEF RE:  
DECEMBER 18, 2024 DISCOVERY  
DISPUTE**

Discovery  
Cut-Off: February 14, 2025  
Trial Date: July 21, 2025

## I. INTRODUCTION

The parties previously submitted a Joint Statement regarding: (1) whether Tesla must produce responsive documents by a date certain; (2) whether Tesla must produce a privilege log; (3) whether objections stated in supplemental responses are untimely and waived; and (4) whether to compel further responses or permit further briefing. Dkt. No. 55. Tesla was ordered to produce a privilege log by January 3, 2025. Dkt. No. 56. In addition, the Court ordered Plaintiff to provide further briefing that

1 describes the specific material she still seeks, taking into account the production that  
2 Tesla has already made. Dkt. No. 56.

3 **II. DISCUSSION**

4 **A. Summary of Items Produced and Further Responses Requested**

5 Tesla's supplemental responses to Plaintiff's Requests for Production, Set Two,  
6 and Interrogatories, Set One, contained little substantive information, and the  
7 related document productions contained few responsive documents. Dkt. Nos. 55-3  
8 and 55-6. Though Tesla describes its productions in response to Plaintiff's Requests  
9 for Production, Set Two, as "voluminous," it in fact contained only the following items:

- 10 • Eight crash test reports and associated video clips.
- 11 • Five PowerPoint presentations concerning collision performance.
- 12 • Notification to NHTSA regarding the subject incident and related non-  
13 substantive correspondence.
- 14 • Plaintiff's own Complaint in this matter.
- 15 • Four documents describing the function of the battery.
- 16 • One document describing the function of restraint system components.
- 17 • Nine pages of seat belt component drawings.
- 18 • Three pages of seat drawings.
- 19 • Fifteen pages of structural drawings.
- 20 • Thirty-two pages of battery drawings.
- 21 • Two regulatory compliance reports regarding seats and seat belts.

22 Plaintiff requests the Court compel Tesla to provide further amended  
23 responses to Requests for Production Nos. 2, 3, 7, 13-16, 20-30, 32-34, 39, 42-46, and  
24 48-59, and Special Interrogatories Nos. 1-3, 6, and 10, as outlined herein and within  
25 the table of requests and responses attached hereto as **Exhibit 1**.

26 **B. Legal Authority**

27 Under the Federal Rules of Civil Procedure, parties are entitled to obtain  
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1 discovery “regarding any nonprivileged matter that is relevant to any party’s claim  
 2 or defense and proportional to the needs of the case, considering the importance of  
 3 the issues at stake in the action, the amount in controversy, the parties’ relative  
 4 access to relevant information, the parties’ resources, the importance of  
 5 the discovery in resolving the issues, and whether the burden or expense of the  
 6 proposed discovery outweighs its likely benefit.” Fed.R.Civ.P. 26(b)(1); *see also*  
 7 *Hickman v. Taylor*, 329 U.S. 495, 507 (1947) (discovery rules provide for “broad and  
 8 liberal” discovery).

9 Objections to interrogatories must state with specificity the grounds for the  
 10 objection, and any objection that fails to do so is deemed waived. Fed.R.Civ.P.  
 11 33(b)(4). With respect to requests for production, objections must state with  
 12 specificity the grounds for objecting to the request, including the reasons.  
 13 Fed.R.Civ.P. 34(b)(2)(B). An objection to a document request must also state whether  
 14 any responsive materials are being withheld on the basis of the objection.  
 15 Fed.R.Civ.P. 34(b)(2)(C).

16 General or boilerplate objections, such as those claiming requests are “overly  
 17 broad, burdensome, oppressive, and irrelevant,” are inadequate and tantamount to  
 18 not making any objection at all. *U.S. ex rel. O’Connell v. Chapman University*, 245  
 19 F.R.D. 646 (C.D. Cal. 2007). The objecting party must clearly articulate the reasons  
 20 for the objection. *Walker v. Lakewood Condominium Owners Ass’n.*, 186 F.R.D. 584  
 21 (C.D. Cal. 1999). Moreover, the party resisting discovery has the burden to show that  
 22 discovery should not be allowed and must clarify, explain, and support its objections.  
 23 *Gorrell v. Sneath*, 292 F.R.D. 629 (E.D. Cal. 2013).

24 “A party has an obligation to conduct a reasonable inquiry into the factual basis  
 25 of its discovery responses.” *Nat'l Academy of Recording Arts & Sciences, Inc. v. On*  
*26 Point Events, LP*, 256 F.R.D. 678, 680 (C.D. Cal. 2009). “When a dispute arises out of  
 27 the completeness of a search undertaken, particularly where there is an absence of  
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1 information that would have been expected to be included, the responding party must  
 2 come forward with an explanation of the search conducted with sufficient specificity  
 3 to allow the Court to determine whether a reasonable search was performed.” *Shaw*  
 4 *v. Davis*, No. 3:18-cv-0551-MMD-CLB, 2021 WL 3890094, at \*4 (D. Nev. Aug. 31,  
 5 2021) (internal punctuation omitted).

6 As detailed below, Tesla’s boilerplate objections and evasive responses to  
 7 Plaintiff’s Requests for Production of Documents, Set Two, and Special  
 8 Interrogatories, Set One, fall far short of these obligations under the Federal Rules  
 9 of Civil Procedure. Tesla’s minimal document production is also deficient. Plaintiff  
 10 therefore requests that the Court compel Tesla to provide further responses and  
 11 production of documents, as discussed below.

12 **C. Specific Documents and Further Responses Requested**

13 **1. Documents and Information Concerning Other Similar  
 14 Incidents**

15 In this product liability case, Plaintiff Donna Leach alleges that her husband  
 16 Clyde Leach was killed on April 17, 2021 due to defects present in his 2021 Tesla  
 17 Model Y, VIN 5YJYGDEE2MF089331 (the “Subject Vehicle”). As part of her  
 18 Complaint, Plaintiff alleges that the Subject Vehicle was defective in that it suddenly  
 19 accelerated without driver input (Dkt. No. 1-2 at ¶22-23, 30-40), that it was not  
 20 crashworthy in a frontal collision with a pole (*Id.* at ¶24-25, 41-46), and that it was  
 21 susceptible to post-collision battery fire (*Id.* at ¶25-27, 41, 44-46.)

22 In order to prove her case, Plaintiff sought discovery of discrete categories of  
 23 documents and information relating to other similar incidents—that is, other  
 24 incidents in which Tesla Model Y vehicles or similar Tesla models suddenly  
 25 accelerated, failed to protect occupants from reasonable collision forces, and/or  
 26 experienced post-collision battery fires. Evidence of such other similar incidents is  
 27 probative of critical issues including the existence of the alleged defects, Tesla’s notice  
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1 of the defects, duty to warn, causation, and to refute Tesla's claim that Mr. Leach's  
 2 death was caused only by driver error.

3 Tesla raised objections and refused to submit to discovery concerning any  
 4 collision or allegations beyond the present case.

5 *Customer Comments/Complaints/Lawsuits/Depositions (Requests for*  
 6 *Production Nos. 48-56 and Special Interrogatories Nos. 1-3)*: Plaintiff requested that  
 7 Tesla produce "customer comments, feedback, correspondence, complaints, and  
 8 inquiries" regarding sudden unintended acceleration (RPD No. 49), frontal collision  
 9 crashworthiness (RPD No. 52), and post-collision battery fires (RPD No. 55).  
 10 Plaintiff further requested that for each such customer complaint, Tesla produce  
 11 certain communications, internet posts, summaries, and photographs and videos.  
 12 (RPD Nos. 50, 53, and 56.)

13 Plaintiff also requested that Tesla identify "complaints, lawsuits, and not-in-  
 14 suit matters" regarding sudden unintended acceleration, frontal collision  
 15 crashworthiness, and post-collision battery fires (SPROG Nos. 1-3), and produce  
 16 deposition testimony by its corporate designees and experts given in such lawsuits  
 17 (RPD Nos. 48, 51, and 54).

18 In response to all of these requests, Tesla initially asserted mere boilerplate  
 19 objections, including to the scope of the requests and the burden of compliance. In its  
 20 supplemental responses, Tesla refused to produce any documents or substantive  
 21 information and raised new untimely objections. For example, Tesla presented  
 22 untimely objections on the basis of consumer privacy to SPROG Nos. 1-3 and RPD  
 23 Nos. 48, 49, 50, 52, 53, 55, and 56.

24 Where Tesla purported to provide substantive information within its  
 25 supplemental responses, it did so only to evade the gravamen of Plaintiff's requests.  
 26 In response to SPROGs 1-3 and RPD Nos. 49-56, Tesla asserted that it "searched for  
 27 but did not locate any lawsuit complaints" involving the allegation at issue involving

1 a “2021 Tesla Model Y prior to April 17, 2021,” the date of the subject incident. This  
 2 severe curtailment in scope renders these responses meaningless. The Model Y was  
 3 only available for purchase by the public for a matter of months prior to the date of  
 4 the subject incident and it is unlikely that any lawsuit concerning defects within it  
 5 would have already been filed by the time Mr. Leach was killed. Moreover, Tesla has  
 6 admitted that the Model Y at issue is structurally similar to other Tesla vehicles,  
 7 including the Tesla Model 3. Supp. Resp. to SPROG No. 8. Tesla has also claimed that  
 8 the Model Y has not undergone design revisions since its introduction. Supp. Resp. to  
 9 SPROG Nos. 11 and 12. Given the high degree of similarity across vehicle models and  
 10 model years that Tesla has admitted, a restriction of discovery to matters involving  
 11 the 2021 Model Y is inappropriate and prejudicial to Plaintiff’s rights to discover  
 12 relevant information.

13 Plaintiff contends that the burden of complying with these requests will be  
 14 minimal. Tesla maintains electronic databases of consumer complaints and can easily  
 15 perform searches for the symptoms that Plaintiff alleges. For example, it has been  
 16 publicly reported that Tesla assigns the internal code “27973” to customer reports of  
 17 sudden unintended acceleration. Plaintiff believes that it assigns similar codes to  
 18 reports concerning frontal crashworthiness and post-collision battery fires.  
 19 Performing searches of its databases for customer complaints, related  
 20 documentation, lawsuits, and deposition testimonies would be a trivial matter for  
 21 Tesla.

22 Plaintiff recognizes the need for restrictions on the scope of these requests and  
 23 therefore limited them to vehicles with the same or similar automated driving suite.  
 24 To the extent that the Court believes this is too broad, Plaintiff proposes to narrow  
 25 SPROG Nos. 1-3 and RPD Nos. 48-56 to reports and complaints arising since January  
 26 1, 2015.

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1        *Incident Reports (Requests for Production Nos. 34 and 46)*: Plaintiff further  
 2 requested documents related to incidents and/or reports involving frontal collisions  
 3 with a narrow rigid object (RPD No. 34) and post-collision battery fires (RPD No.  
 4 46). Tesla offered only boilerplate objections to RPD No. 34, which it did not  
 5 supplement. It offered the same boilerplate objections to RPD No. 46, and in a  
 6 supplemental response, stated that it was unaware of any lawsuits prior to the date  
 7 of the subject incident involving a post-collision battery fire in a 2021 Tesla Model  
 8 Y.

9            Further responses should be compelled for the same reasons as stated with  
 10 respect to RPD Nos. 48-56 and SPROG Nos. 1-3.

11        *Government Inquiries Regarding Sudden Unintended Acceleration (RPD Nos.*  
 12 *13-14)*: Plaintiff requested documents relating to third-party investigations,  
 13 including by the National Highway Transportation Safety Administration  
 14 (“NHTSA”), and the National Transportation Safety Board (“NTSB”) into instances  
 15 of sudden unintended acceleration (RPD No. 13). Plaintiff further requested Tesla’s  
 16 internal communications relating so such investigations (RPD No. 14). Tesla’s  
 17 initial responses asserted that the Subject Vehicle performed as designed and  
 18 otherwise stated boilerplate objections. Its supplemental responses offered to  
 19 provide only documents produced to NHTSA relating to the Subject Vehicle.

20           Plaintiff contends that Tesla has not met its burden to show why compliance  
 21 with the requests would cause any undue burden. As alleged in Plaintiff’s Complaint,  
 22 all of Tesla’s vehicles are equipped with features designed to prevent or mitigate  
 23 unintended acceleration. Dkt. No. 1-2 at ¶36-38. Tesla has been subject to repeated  
 24 government investigations concerning sudden unintended acceleration in its entire  
 25 vehicle line regardless of model or model year, including open NHTSA Defect  
 26 Petitions DP23001 and DP23002. Foreign regulators, including China’s Ministry of  
 27 Industry and Information Technology (“MIIT”), have also investigated sudden  
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1 unintended acceleration in Tesla vehicles. MIIT has even issued new regulations  
2 banning Tesla's one pedal driving system, which Mr. Leach was known to use, in  
3 order to prevent sudden unintended acceleration.

4 Plaintiff has a right to discover how Tesla responded to such investigations,  
5 given the central role of sudden unintended acceleration in this case. As Tesla has  
6 not stated any reason why production of documents on these topics would be in any  
7 way burdensome, Plaintiff requests the Court compel full responses. Again, should  
8 the Court feel the temporal scope should be limited, Plaintiff proposes that Tesla  
9 produce all documents responsive to RPD Nos. 13 and 14 since January 1, 2015.

10 **2. Clarification as to Whether All Collision Testing Documents  
11 Have Been Produced**

12 Crash Test Documents (RPD Nos. 21, 22, 28, and 33): Plaintiff requested  
13 categories of documents related to collision performance of Tesla Model Y vehicles,  
14 including studies of collision performance (RPD No. 21), testing documents (RPD  
15 No. 22), studies of front crash structures (RPD No. 28), and effects on the battery  
16 (RPD No. 33).

17 In response to each of these requests, Tesla initially provided boilerplate  
18 objections. In its supplemental responses, Tesla stated only that it would "produce  
19 frontal crash test reports related to the 2021 Tesla Model Y." Tesla then produced one  
20 NHTSA filing concerning regulatory compliance of the 2021 Model Y, written reports  
21 and videos relating to seven crash tests, videos relating to one additional crash test  
22 (apparently lacking a written report), and five PowerPoint presentations concerning  
23 collision testing and simulations.

24 Plaintiff contends that these responses are evasive because they are too narrow  
25 in scope, and because it cannot be determined whether Tesla is producing all  
26 responsive documents. Plaintiff's requests concerned all Model Y vehicles regardless  
27 of model year, whereas Tesla's supplemental responses and document productions

1 only appear to concern one model year. In addition, the wording of Tesla's  
 2 supplemental responses leaves the possibility open that it performed other frontal  
 3 crash tests of Model Y vehicles that have not been produced. Indeed, Plaintiff is  
 4 certain that Tesla did not produce documents relating to all Model Y frontal crash  
 5 tests because Tesla's YouTube channel includes Model Y crash test video footage from  
 6 at least four crash tests that were not produced as part of this case.<sup>1</sup> Plaintiff believes  
 7 that Tesla limited its document production to industry-standard and regulatory crash  
 8 tests, which Tesla's own engineers suggest provide only an incomplete picture of  
 9 collision performance.<sup>2</sup>

10 In addition, although some photographs and videos are included as part of the  
 11 reports and PowerPoint presentations, it cannot be determined whether all have been  
 12 provided, or whether they were reproduced at their full resolution.

13 Plaintiff therefore requests that Tesla be compelled to provide further  
 14 responses clarifying whether all the responsive documents have been produced with  
 15 respect to all crash tests performed on all model years of Model Y vehicles.

16 **3. Collision Simulation Documents, Including Native Software  
 17 and Simulation Files**

18 **Model Y Collision Simulations (RPD Nos. 23 and 59; SPROG No. 10):**

19 Plaintiff requested that Tesla produce documents related to computer simulations  
 20 of collisions with narrow rigid objects in Model Y vehicles (RPD No. 23) and the  
 21 simulation software and files Tesla used in their native format (RPD No. 59).  
 22 Plaintiff further asked Tesla to identify certain details about its Model Y crash  
 23 simulations (SPROG No. 10).

24 Tesla's initial responses to these requests consisted entirely of boilerplate

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 26 <sup>1</sup> Tesla YouTube video titled "Tesla Crash Lab | Data Driven Safety."  
 27 ([https://www.youtube.com/watch?v=9KR2N\\_Q8ep8](https://www.youtube.com/watch?v=9KR2N_Q8ep8))

<sup>2</sup> *Id.*

1 objections. In its supplemental responses to RPD No. 23 and 59, Tesla referred  
2 Plaintiff to its supplemental response to RPD No. 21, which concerned crash testing.  
3 Tesla's supplemental response to SPROG 10 promised to produce "front crash  
4 simulations related to the 2021 Tesla Model Y". The only documents relating to  
5 simulations that Tesla produced, however, were the five PowerPoint presentations  
6 described above.

7 Plaintiff regards Tesla's computerized collision simulations to be of  
8 fundamental importance to this case, and further believes that Tesla's responses are  
9 incomplete and evasive. Modern automotive manufacturers like Tesla are believed to  
10 rely heavily on computer simulations rather than the traditional mode of actually  
11 crashing vehicles into objects. Tesla's has stated publicly that it performs many  
12 simulations of impacts that are different from those required by law and regulation.  
13 For example, Tesla claimed to perform "hundreds of simulations" prior to completing  
14 just one non-regulatory frontal crash test.<sup>3</sup> Of course, Tesla did not produce this crash  
15 test or the simulation files that preceded it. Furthermore, although Tesla stated in  
16 response to SPROG No. 10 that it would produce simulation files, the PowerPoint  
17 presentations it produced do not include the information sought by SPROG 10.

18 Plaintiff requests that Tesla be compelled to provide all requested crash  
19 simulation files responsive to RPD Nos. 23 and 59, and provide a complete response  
20 to SPROG No. 10.

21 *Model 3 Collision Simulations (RPD Nos. 57 and 58; SPROG No. 6):* Plaintiff  
22 also requested certain simulation files based on a public blog post that was formerly  
23 available on Tesla's website concerning the safety of the Tesla Model 3 in frontal  
24 pole impacts like the subject collision. Beyond its boilerplate objections, Tesla, in its  
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26 <sup>3</sup> Tesla YouTube video titled "Tesla Crash Lab | Data Driven Safety."  
27 (https://www.youtube.com/watch?v=9KR2N\_Q8ep8)  
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1 supplemental responses, refused to submit to discovery concerning the Model 3  
2 simulations and blog article (which were attached as exhibits to the discovery  
3 requests), presenting untimely objections to discovery of any vehicles other than the  
4 2021 Model Y.

5 Tesla's objections stated in its supplemental responses are untimely and  
6 waived. Furthermore, Plaintiff contends that the limited scope of information and  
7 documents she seeks concerning Model 3 collision simulations is appropriate and  
8 proportional to the needs of this case. Tesla acknowledges the structural similarity of  
9 the Model 3 and Model Y in its supplemental response to SPROG No. 8. Here,  
10 Plaintiff merely seeks documentation related to Tesla's public claims about its  
11 vehicles' crashworthiness. Furthermore, the need for this discovery was magnified  
12 when Tesla removed the blog post at issue from its website in August 2024 after  
13 Plaintiff's counsel began asking questions about it in this litigation.

#### 14 **4. FMEA and DFMEA**

15 (RPD Nos. 15, 16, 20, 24, 32, 39, and 43): Plaintiff served a number of  
16 requests for engineering analyses, including Failure Mode and Effects Analyses  
17 ("FMEA") and Design Failure Mode and Effects Analyses ("DFMEA") regarding  
18 sudden unintended acceleration (RPD Nos. 15 and 16), the Tesla Model Y restraint  
19 system (RPD No. 20), frontal collisions with narrow rigid objects in the Model Y  
20 (RPD No. 24), collisions with narrow rigid objects between the main crash rails in  
21 Model Y vehicles (RPD No. 32), the battery pack in Model Y vehicles (RPD No. 39),  
22 and post-collision battery fires in Model Y vehicles (RPD No. 43). Tesla responded to  
23 all of these requests with nothing but boilerplate objections. Its supplemental  
24 responses provided little additional responsive information. FMEAs and DFMEAs  
25 are standard engineering documents that automotive manufacturers use.

26 Tesla refused to produce any documents in response to RPD Nos. 15 and 16,  
27 and instead provided narrative concerning data from the Subject Vehicle and the  
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1 denial of NHTSA defect petition DP20-001. In its supplemental response to RPD No.  
2 20, Tesla agreed to produce “documents relating to the developmental and compliance  
3 testing of the driver’s seat belt system as equipped in the 2021 Model Y”. Its  
4 supplemental response to RPD Nos. 24, 32, and 39 referred Plaintiff to RPD No. 21’s  
5 response concerning crash testing. Its supplemental response to No. 43 stated that  
6 Tesla would produce documents “reflecting analysis of resistance to thermal runaway  
7 and propagation in relation to the battery pack of the 2021 Model Y.”

8 Plaintiff contends that Tesla’s responses to all of these requests are evasive  
9 because they do not state whether Tesla possesses (and is thus withholding)  
10 responsive FMEAs and/or DFMEAs concerning the requested categories. Plaintiff  
11 appreciates that Tesla provided some documents concerning seat belt compliance  
12 testing, crash testing, and battery fires, but these documents do not appear to  
13 comprise FMEAs or DFMEAs, which is a structured and systematic technique for  
14 failure analysis. Moreover, the responses as phrased provide ample wiggle room for  
15 Tesla to withhold the analyses sought without clearly stating so. Finally, Tesla  
16 refused to provide any analyses at all concerning sudden unintended acceleration, a  
17 central focus of this case.

18 Plaintiff requests that the Court compel Tesla to provide further responses  
19 which state clearly whether Tesla is withholding FMEAs and/or DFMEAs responsive  
20 to RPD Nos. 15, 16, 20, 24, 32, 39, and 43.

21 **5. Design Documents**

22 (RPD Nos. 25-27 and 29-30): Plaintiff possesses information that the Tesla  
23 Model Y has undergone design changes in its front crash structures. For example,  
24 the Subject Vehicle featured front structures constructed of stamped sheet steel,  
25 while newer Model Y vehicles feature single-piece cast aluminum structures that  
26 Tesla calls “Gigacastings.”

27 In order to understand how the design and construction of the Model Y has  
28

1 changed over the years, Plaintiff requested documents related to the design of the  
2 front crash structures in all Model Y vehicles (RPD No. 25), engineering drawings for  
3 all Model Y Vehicles (RPD No. 26), internal communications relating to the front  
4 crash structures of all Model Y vehicles (RPD No. 27), and documents depicting the  
5 assembly and construction of front crash structures of all Model Y vehicles (RPD No.  
6 29). Because older Model Y vehicles like the Subject Vehicle were derived from the  
7 Model 3 design, and newer Model Y vehicles differ in that they feature front  
8 Gigacastings, Plaintiff also requested documents which discuss the differences  
9 between the front crash structures of Model Y vehicles and Model 3 vehicles (RPD  
10 No. 30).

11 Tesla initially responded with nothing but boilerplate objections. In its  
12 supplemental responses to RPD Nos. 25, 26, and 29, Tesla agreed to produce  
13 "documents reflecting the design of the front structures in the 2021 Model Y" and  
14 indeed produced a set of eleven engineering drawings of the stamped sheet steel  
15 version of the 2021 Model Y only. Tesla did not produce any internal communications  
16 or documents concerning differences between the Model Y and Model 3, instead  
17 standing on its boilerplate objections to RPD Nos. 27 and 30.

18 Plaintiff contends that she is entitled to documents reflecting the design, and  
19 depicting the assembly, of both the older stamped sheet steel version of the Model Y,  
20 and the newer Gigacasting version of the Model Y. Plaintiff believes that the older  
21 front structures in Model Y vehicles like the Subject Vehicle were insufficient because  
22 the design was based on the smaller, lighter Model 3. Plaintiff therefore served RPD  
23 Nos. 25-27 and 29-30 so that she could understand how the design changed and how  
24 it differs from its Model 3 predecessor. Tesla has not identified any reason why  
25 production of these materials would subject it to undue burden. Plaintiff therefore  
26 requests that the Court compel Tesla to produce the materials sought by RPD Nos.  
27 25-27 and 29-30.

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1                   **6. Items Promised But Not Produced**

2                   Requests for Production Nos. 2 and 3 sought data relating to and transmitted  
3 by the Subject Vehicle. Beyond boilerplate objections to the scope and relevance of  
4 the requests, Tesla's responses stated that all non-privileged vehicle data had already  
5 been produced. Conversely, Tesla further stated that it would produce additional  
6 diagnostic log data files. Tesla never produced the diagnostic log data files it  
7 promised.

8                   Relatedly, Request for Production No. 7 sought documents describing the  
9 circumstances when Tesla vehicles transmit or attempt to transmit data to Tesla.  
10 The supplemental response promised to produce responsive documents, but such  
11 documents were never actually produced.

12                  In the parties' Joint Brief filed December 18, 2024, Tesla represented to the  
13 Court that it was still collecting documents responsive to RFP Nos. 42-45 concerning  
14 battery fires. Yet Tesla never actually produced them and has not made any further  
15 production of any documents since December 16, 2024.

16                  Plaintiff therefore requests that the Court compel Tesla to produce all items  
17 responsive to Requests for Production, Set Two, by a date certain.

18                   **III. CONCLUSION**

19                  For the foregoing reasons, Plaintiff respectfully requests that the Court order  
20 Tesla to produce the above-referenced documents and serve further amended  
21 responses to Requests for Production Nos. 2, 3, 7, 13-16, 20-30, 32-34, 39, 42-46, and  
22 48-59, and Special Interrogatories Nos. 1-3, 6, and 10, by January 17, 2025 (four  
23 weeks before the close of fact discovery) or another date that the Court deems  
24 appropriate.

1 Dated: January 3, 2025

Respectfully Submitted,

2  
3 MCCUNE LAW GROUP, APC

4 /s/ Todd A. Walburg

5 Todd A. Walburg (SBN 213063)  
Scott B. Baez (SBN 330485)

6 Attorneys for Plaintiff  
7 DONNA LEACH, individually and on  
behalf of the Estate of Clyde Leach

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**CERTIFICATE OF SERVICE**

I hereby certify that on January 3, 2025, I filed the foregoing document entitled PLAINTIFF'S BRIEF RE: DECEMBER 18, 2024 DISCOVERY DISPUTE with the clerk of court using the CM/ECF system, which will send a notice of electronic filing to all counsel of record in this action.

/s/ Todd A. Walburg

Todd A. Walburg